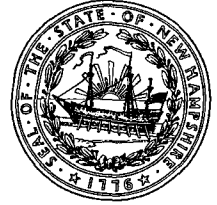




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-30**

October 11, 2005

Pamela Kimball
291 Portsmouth St
Concord, NH 03301

RE: DES Wetlands File #2003-02463 1230 Faxon Hill Rd, Washington

Dear Ms. Kimball:

On July 11, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Washington Tax Map 15 as Lot 93 (the "Property"). The purpose of the inspection was to determine compliance the LOD # SP-2003-28 (copy enclosed), with RSA 482-A and NH Code of Admin. Rules Wt 100-800, and RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

Based on the inspection and further file review the following deficiencies were documented:

1. A gazebo measuring approximately 10 feet by 10 feet was located within 20 feet of the reference line (normal high water mark) on Millen Pond;
2. Stone fill measuring approximately 84 square feet was documented in the lakebed and bank of Millen Pond along the north end of the property;
3. An area measuring approximately 15 square feet was filled adjacent to the canoe rack located along the north end of the property;
4. An area measuring approximately 58 square feet was filled and a 6 foot wide wooden bridge placed in wetlands along a trail on the property leading from the proposed house location to a seasonal dock;
5. A seasonal dock was documented along the southern end of Lot 93 (based on Town of Washington Tax Map 15), measuring approximately 3 feet 9 inches by 26 feet connected to a wharf measuring approximately 5 feet by 10 feet 6 inches. The dock and wharf extended approximately 28 feet from the shoreline lakeward;
6. The restoration plan approval (copy enclosed) required nine maple saplings be planted and maintained in a healthy state on the property. The inspection on July 11, 2005 by DES personnel, determined that only one maple sapling was healthy, 2 were dead, and 6 were unhealthy. The six unhealthy saplings were located near a 9 foot by 10 foot shed, 2 under a canoe rack and 2 adjacent to the 10 foot by 10 foot gazebo.

In response to the above documented deficiencies, you are requested to take the following actions:

1. The gazebo structure is regulated in accordance with Env-Ws 1405.03 under the Comprehensive Shoreland Protection Act (CSPA), and therefore you are required to relocate the gazebo a minimum of 20 feet from the reference line (normal high water mark). Within 20 days from the date of this Letter of Deficiency submit a photo showing that the gazebo has been relocated;

2. Within 45 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removal the fill for the walkway, and along shoreline and banks of Millen Pond on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries delineated by a NH certified wetland scientist; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
3. DES has no records for the approval to build a seasonal dock and wharf on the property. Within 20 days of the date of this Letter of Deficiency provide any approvals, local or state for building the dock, the name of the person(s) that built the dock and when it was constructed. Please be advised that if the DES Wetlands Bureau determines the dock is not a permissible structure, you will be required to remove the dock and wharf from the frontage.
4. Prior to June 1, 2006, replace the 6 unhealthy maple saplings, and replace the two dead maple saplings.
5. Implement the requested restoration plan for removal of fill only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

October 3, 2005

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Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 2986

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Washington Conservation Commission
Washington Board of Selectmen
USACOE